

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claim 1 has been amended to include the subject matter of claim 5. Claim 5 is cancelled.

New claim 12 is based on a combination of claims 1-2 and 5. New claims 13-19 depend from claim 12, new claims 20-21 depend from claim 1, and are based on previously pending dependent claims.

Claims 1-2 have been amended to address the noted informality and the stated basis of the section 112, second paragraph rejection.

No new matter has been entered by way of these amendments.

Withdrawal of the claim objection and section 112 rejection is solicited.

Claims 1 and 11 were rejected as anticipated by RIVARD 6,554,831.

Claims 2-3 and 7 were rejected as obvious over RIVARD in view of LAHILLE 5,380,325.

Claims 5 and 6 were rejected in further view of MIRKOVIC 5,254,118.

Claims 8-9 were rejected as obvious over RIVARD.

Claim 10 was rejected as obvious over RIVARD in view of FORTIN WO 03/007828 of which US 2005/0165396 is the nation stage.

The independent claims are believed patentable.

The amendments moot the anticipation rejection and turn the focus to the obvious rejection of RIVARD in view of MIRKOVIC and LAHILLE.

As to claim 1 (which now includes prior claim 5), the Official Action analysis at page 5, paragraph 9 is relevant.

RIVARD describes "fixed" connectors 16a, 16b (see figure 2) and "mobiles" connectors 18a, 18b (see figure 3). As shown in figure 2, a "fixed" connector includes a pin provided, between the sphere and the threaded part of this pin, with a conical portion having splines on which is axially fixed the clamp 22. A space 58 allows an angular movement of articulation between the screw part and the clamp. The "mobile" connectors 18a, 18b have a similar structure except they include a cylinder 66 crossed by the connection rod, allowing a mobility of this rod with respect to the connector body 60.

LAHILLE discloses a spring washer between a screw body and a connection clamp (see column 6, lines 4 and following), applied to a screw on which the proximal pin is integral with the screw body and has therefore no possibility of articulation with respect to this screw body.

MIRKOVIC discloses pedicular screws 14 in the form of threaded rods, on which are engaged connection parts 30, these

connection parts 30 being positioned along the screws 14 by means of nuts 38 and of transverse screws 72 engaging in longitudinal grooves 70 on the screws 14.

MIRKOVIC thus describes a device having no similarity with the device according to the RIVARD document. In particular, it shows a double means (nut 38 and screws 72) for the immobilization of a connection part 30 along a pedicular screw 14 but no axial stop means on the pedicular screws 14 for the connection part and no lower bearing surface for a dampening part, which clearly diverts from the device according to the original claim 5.

MIRKOVIC describes a connection part 30 and a nut 38 which are for the most comparable respectively to the clamp 3 and the nut 4 according to the present patent application, or to the clamp 22 and nut 40 of the RIVARD document, and thus does not bring anything more to what is described in RIVARD.

Moreover, the possibility of adjusting the position of the stop according to the original claim 5 allows a specific function, mentioned in the description (see page 4, lines 10): allowing to adjust, in function of the tightening of the dampening part, the dampening effect produced by this dampening part, in order to adapt the dampening obtained to the characteristics of the patient (weight, age, affection to be treated, etc).

This possibility of adjustment provides a great advantage, which any device according to one or the other of the cited prior documents does not provide.

RIVARD only shows a fixed axial stop on the pin and no dampening part; to make the invention the person having ordinary skill in the art would have to imagine to put a dampening part between an upper clamping surface and a lower clamping surface and to make the upper clamping surface adjustable with respect to the pin. This combination is not suggested by LAHILLE or MIRKOVIC, which, on the contrary, show structure going clearly away from the invention: rigid screw in LAHILLE; no upper and lower clamping surfaces in MIRKOVIC.

Therefore the specific structure recited by the original claim 5 is not obvious in view of these references.

The dependent claims are believed allowable at least for depending from an allowable claim.

Reconsideration and allowance of all the claims are respectfully requested.

Should there be any matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON.


Roland E. Long, Jr. Reg. No. 41,949
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

REL/lad